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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,931	02/14/2002	Bharat Tarachand Doshi	Doshi 52-2-17-18-1-1	5324
7590 05/22/2006			EXAMINER	
Harness Dickey & Pierce PLC			LESTER, EVELYN A	
P O Box 8910			ART UNIT	
Reston, VA 20195			PAPER NUMBER	
			2873	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,931

Applicant(s)

DOSHI ET AL.

Examiner

Evelyn A. Lester

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-1-06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-6, 9-11, 14 and 15, as far as these claims are understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fee et al (U.S. patent 5,726,788).

Fee et al disclose the claimed invention of a connection device or router, and the method for providing an optical, service-enabled connection, comprising one or more processing units (f1-f7) and an optical switch (308) for receiving “non-processed” optical signals and to connect at least one of the units to one or more optical signals based on a characteristic of each signal.

With respect to claims 4, 5, 9, 11 and 14, please note Figures 3 and 7, and their accompanying text, especially at column 4, line 30 to column 5, line 19, as well as column 5, line 64 to column 6, line 7; column 7, lines 1-5; lines 24-32 and lines 56-63; and column 8, lines 13-39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee et al (U.S. patent 5,726,788) in view of Wong et al (U.S. patent 6,624,927 B1).

Fee et al disclose the claimed invention as described above, except for explicitly including various specific processing units, such as a Raman pump. Fee et al does teach various examples of processing units, in a "non-exclusive representative list," as noted at column 4, line 46 to column 5, line 10. Fee et al further teaches in that non-exclusive list the use of an amplifier (col. 4, lines 49-50) and/or pump insertion (col. 4, lines 58-59) processing units, as part of necessary signal processing functions. Wong et al teaches that it is well known to utilize a Raman pump for the purpose of amplifying optical signals in an optical communications network, so that the power of the signals is maintained at a constant level, thereby avoiding signal degradation due to lost signal power. Wong et al further teaches that various Raman pumping arrangement may be used to pump any suitable optical fiber communications system, such as fiber in optical network equipment including add/drop modules or optical switches (Wong et al at col. 3, lines 49-59). Therefore, it would have been well known to one of ordinary skill in the art to utilize the well known Raman pump of Wong et al for the purpose of amplifying

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optical signals and/or pump insertion, thereby providing necessary signal processing functions as taught by Fee et al. Please also especially note Fee et al at column 2, line 33 to column 3, line 16.

3. Claims 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee et al (U.S. patent 5,726,788) in view of Sharma et al (6,331,906 B1).

Fee et al disclose the claimed invention as described above, except for explicitly including various specific processing units, such as an optical-electrical-optical regenerator. Fee et al does teach various examples of processing units, in a "non-exclusive representative list," as noted at column 4, line 46 to column 5, line 10. Fee et al further teaches in that non-exclusive list the use of a modulation reshaper and the need for a regenerating process operation (note col. 4, lines 5-17), as part of necessary signal processing functions. Sharma et al teaches that it is well known to utilize an optical-electrical-optical regenerator for the purpose of reshaping optical signals in an optical communications network through techniques for restoration of network services in the event of a failed fiber link (e.g. a break in a fiber or a failure of an active element such as a fiber amplifier) and the use of optical switching to affect such restoration (note Sharma et al at col. 1, lines 53-58). Therefore, it would have been well known to one of ordinary skill in the art to utilize the well known optical-electrical-optical regenerator of Sharma et al for the purpose of reshaping optical signals and affecting signal restoration, thereby providing necessary signal processing functions as taught by Fee et al. Please also especially note Fee et al at column 2, line 33 to column 3, line 16.

Response to Arguments

4. Applicant's arguments filed 8-31-05 have been fully considered but they are not persuasive.

In response to the Applicant's argument that the deletion of the terms, "non-processed" overcomes the indefiniteness, i.e. the rejection made under 35 U.S.C. 112, first paragraph, is well received. The indefinite rejection is hereby withdrawn.

In response to the Applicant's argument that Fee et al fails to teach or suggest a connection device that comprises an optical switch for receiving optical signals to connect at least one processing unit to one or more received signals based on a characteristic of each signal is not well received by the Examiner. Fee et al discloses an optical switch for receiving optical signals to connect at least one processing unit to one or more received signals based on a characteristic of each signal, as noted in the above rejection, in that the "functions f1-f7" are processing units. Again, note Fee et al at column 5, lines 11-19. "[O]ptical functions" is but another label for processing units, wherein the optical functions are the same as the Applicant's processing units. The rejection is hereby maintained.

In response to the Applicant's argument that claims 1, 6 and 11 are allowable are not well met, for the reasons given above. Subsequently, the rejections made under 35 U.S.C. 103(a) of claims 2, 3, 7, 8, 12 and 13 are hereby maintained. There being no

other arguments from the Applicant for these rejections, no further response from the Examiner is required.

Conclusion


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on subject to an increased flex schedule, M-F, 10-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-233333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Evelyn A. Lester
Primary Examiner
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